

Appl. No. : **10/806,084**
Filed : **March 22, 2004**

REMARKS

A. Introduction

The remarks herein are responsive to the Office Action, mailed April 12, 2007, and the Examiner's Interview Summary, dated August 1, 2007. Applicant thanks the Examiner for the in-person Examiner interview conducted on August 1, 2007. Claims 1-11, and 34-37 were pending, and these pending claims stand rejected. Applicant has amended Claims 1-4, 10, 11, and 34-37. Additionally, applicant has added new Claims 44-69. Applicant has canceled Claims 12-33 and 38-43 without prejudice and expressly reserves the right to pursue these claims at a later date. Applicant respectfully submits that the claims are in condition for allowance.

B. Amendment to the Claims

To expedite prosecution of this case, applicant has amended Claim 1. Support for the claim amendments may be found at least in paragraphs [0037], [0039], [0040], [0041], [0044], [0053], [0086], and in Figures 7 and 15. Accordingly, applicant submits that no new matter has been entered by way of the claim amendments.

Claims 2-4, 7, 10, and 11 depend from Claim 1, and have been amended to clarify antecedent basis. Applicant submits that support for these amendments may be found at least in paragraphs [0037], [0039], [0040], [0041], [0044], [0053], [0086], and in Figures 7 and 15. Additionally, applicant submits that newly added Claims 44-52 depend from Claim 1, and that support for these claims may be found at least in paragraphs [0089], [0090], [0091], [0096], and [0099]. Therefore applicant submits that no new matter has been submitted by way of these amendments.

To expedite prosecution of this case, applicant has amended Claim 34. Support for the claim amendments may be found at least in paragraphs [0037], [0039], [0040], [0041], [0044], [0053], [0086], and in Figures 7 and 15. Claims 35-37 depend from Claim 34, have been amended to clarify antecedent basis. Additionally, applicant submits that newly added Claims 53-59 depend from Claim 34, and that support for these claims may be found at least in paragraphs [0089], [0090], [0091], [0096], and [0099]. Accordingly, applicant submits that no new matter has been entered by way of the claim amendments.

Applicant has also added Claims 60-69, and support for these claims may be found at least in paragraphs [0037], [0039], [0040], [0041], [0044], [0053], [0086], [0089], [0090],

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[0091], [0096], [0099], and in Figures 7 and 15. Accordingly, applicant submits that no new matter has been entered by the addition of these claims.

C. Claim Rejection Under 35 U.S.C. § 102(b)

Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,507,727 to Henrick. Applicant submits that Henrick does not anticipate or render obvious all the limitations of Claim 1.

Henrick teaches a method wherein, "The broadcast song is received and played by radio 103. If the user (i.e., the listener) wishes to purchase the song (or the album on which the song appears) for download, the user navigates to Web server 106 from his or her cell phone 104, authenticates himself or herself, and identifies the station he or she is listening to. The downloading service provided by Web server 106 then provides the user with a screen indicating the name of the song and album that he or she is listening to, as well as other information such as the group name and information related to the band. The user may then indicate through cell phone 104 a desire to buy the song or album." *See* Henrick at col. 3, ln. 35-40.

Accordingly, Henrick does not teach, suggest, or disclose, among other things, "extracting, using the communications device, a unique event identifier corresponding to the broadcast segment, the unique event identifier being provided by a data manager." Therefore, applicant submits that Claim 1 is at least allowable for the reasons set forth above. Claims 2-11 and 44-52 depend from Claim 1, and therefore applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above for Claim 1. Further, Claims 2-11 and 44-52 are allowable for the additional unique combination of features disclosed therein.

Claims 34-37 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,507,727 to Henrick. Applicant submits that Henrick does not anticipate or render obvious all the limitations of Claim 34.

Henrick teaches a method wherein, "The broadcast song is received and played by radio 103. If the user (i.e., the listener) wishes to purchase the song (or the album on which the song appears) for download, the user navigates to Web server 106 from his or her cell phone 104, authenticates himself or herself, and identifies the station he or she is listening to. The downloading service provided by Web server 106 then provides the user with a screen indicating the name of the song and album that he or she is listening to, as well as other information such as

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the group name and information related to the band. The user may then indicate through cell phone 104 a desire to buy the song or album." *See* Henrick at col. 3, ln. 35-40.

Accordingly, Henrick does not teach, suggest, or disclose, among other things, "receiving, using a broadcast receiver, the broadcast segment and the at least one unique event identifier." Therefore, applicant submits that Claim 34 is at least allowable for the reasons set forth above. Claims 35-37 and 53-59 depend from Claim 34, and therefore applicant respectfully submits that these claims are allowable for at least the same reasons as discussed above for Claim 34. Further, Claims 35-37 and 53-59 are allowable for the additional unique combination of features disclosed therein.

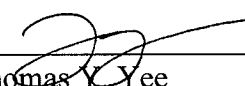
Applicant submits that newly added Claims 60-69 are allowable over the prior art for at least the same reasons as set forth above.

D. Conclusion

Applicant respectfully submits that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,
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